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| 09/606,210      | 06/29/2000  | Govind Malalur       | P108339-09053       | 8162             |

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/606,210

Applicant(s)

MALALUR, GOVIND

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 1/7/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-31 is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerstein et al (6,393,548) in view of Alexander et al (5,909,564).

Regarding claims 1 and 9, Kerstein discloses a network switch (12) comprising a plurality of data ports; a plurality of statistics counters for monitoring operational parameters; statistics registers; a statistics gathering circuit for reading the statistics registers, and for transmitting data from the statistics registers to a remote system memory (34) (see abstract; figures 1 & 2; col. 4, lines 19-48). Kerstein does not specifically disclose the data are transmitted from the registers to the remote memory via a DMA. However, Alexander discloses transmitting data from the register to the remote memory via a DMA (see abstract; figures 1 & 2; col. 2, lines 5-10; col. 6, lines 1-3; col. 13, lines 19-21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the technique of transferring data from the registers to the external memory using a DMA operation as taught by Alexander in the system of Kerstein in order to reduce burdens on the central processor.

Regarding claims 3-4, Kerstein further discloses periodically update all the per port statistics (see col. 10, lines 1-2), Kerstein does not specifically disclose the use of a timer unit and a timer value indicating a number of system clock cycles which determines the

Art Unit: 2661

predetermined period. However, it is obvious that a predetermined period is based on a number of clock cycles and a timer is used to measure time. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the timer for measuring time so that the statistics registers can be repeatedly read and transmit to the remote memory in order to prevent overflow in the internal memory.

Regarding claims 5-6, Alexander discloses the data in the external memory can be accessed by a remote CPU (management stations) (see col. 6, lines 44-48). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to access the external memory from a remote CPU as taught by Alexander in the system of Kerstein so that the switch can be remotely controlled.

Regarding claim 10, Kerstein in view of Alexander do not specifically disclose storing data in a predetermined section of the remote memory. However, it is obvious that the data must be stored in a predetermined section where the data is assigned so that the data can be located and retrieve when needed

Regarding claims 7-8, Kerstein discloses the switch comprises a communication channel (bus) (see col.1, lines 26-31).

Regarding claims 13-16, claims 13-16 are method claims that have substantially all the limitation of the respective apparatus claims 1, 3-5, and 10. In addition, claim 13 recites the limitation reconstructing the statistics register in the remote system memory. However, Alexander implicitly discloses reconstructing the statistics register in the remote system memory because without reconstructing, the data will not be able to store to the external memory or retrieve from the memory.

Art Unit: 2661

*Allowable Subject Matter*

3. Claims 11-12 and 18-31 are allowed.
4. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1, 3-10, and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Brian Nguyen